

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE: Acetaminophen - ASD-ADHD : 22md3043 (DLC)  
Products Liability Litigation : 22mc3043 (DLC)  
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ORDER: AMENDED SFC  
AND RENEWED  
MOTIONS TO DISMISS

DENISE COTE, District Judge:

In Opinions of April 20, 21, 27, and 28, and May 15, 2023, the Court ruled on the defendants' motions to dismiss as those motions applied to several of the Member Cases. Since those rulings, the parties have discussed whether additional motions to dismiss need to be filed. On July 25, the parties notified the Court that the plaintiffs have agreed to amend the master complaints and short form complaint ("SFC") template to drop all strict liability misrepresentation claims, standalone apparent manufacturer claims, and consumer protection claims. The plaintiffs have filed amended master complaints to reflect those and other changes. It is hereby

ORDERED that strict liability misrepresentation claims, standalone apparent manufacturer claims, and consumer protection claims are dismissed from each Member Case pending in this multidistrict litigation ("MDL") to the extent they have been asserted in a Member Case filed before July 31, 2023.

IT IS FURTHER ORDERED that the amended SFC template filed

on July 25, 2023 is approved and adopted for use in this MDL.

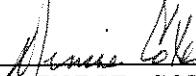
IT IS FURTHER ORDERED that all future plaintiffs shall file and serve SFCs using the amended SFC template filed on July 25, 2023.

IT IS FURTHER ORDERED that the parties' request to allow the defendants to move at a later date to dismiss negligent misrepresentation by omission claims under the laws of Kansas, Maryland, Michigan, and Wisconsin is granted. By **August 7, 2023**, the parties shall submit a list of jurisdictions at issue in the Member Cases pending in this MDL in which the parties have agreed that negligent misrepresentation claims may not be pled under a theory of omission.

IT IS FUTHER ORDERED that the parties' request to address at the end of October 2023 the choice-of-law question as to the seven cases listed in the parties' letter of July 25, 2023 in which Texas law may apply is granted. After meeting and conferring with the plaintiffs, the defendants shall by **November 3, 2023** advise the Court if they intend to file a motion to dismiss or a motion for summary judgment as to these cases and if so, propose a briefing schedule for such motion(s). All other Member Cases filed before July 31, 2023 that are governed

by Texas law are dismissed, including Banda v. Johnson & Johnson Consumer Inc., et al., 23cv3634, and Wilson v. Johnson & Johnson Consumer Inc., et al., 23cv5195.

Dated: New York, New York  
July 31, 2023

  
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DENISE COTE  
United States District Judge